

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

<b>TREVOR FITZGIBBON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Civil Action No. 3:19-cv-477-REP</b>
	)	
<b>JESSELYN A. RADACK,</b>	)	
	)	
<b>Defendant.</b>	)	

---

**DEFENDANT’S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(1)**

Defendant Jesselyn A. Radack, by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 12(b)(1) hereby moves to dismiss with prejudice the Third Amended Complaint filed herein by Plaintiff Trevor Fitzgibbon for lack of subject matter jurisdiction and in support thereof, respectfully refers the Court to the accompanying Memorandum in Support.

WHEREFORE, Jesselyn A. Radack respectfully requests that the Court grant the instant motion and enter the attached proposed Order.

Dated: June 8, 2020

Respectfully submitted,

JESSELYN A. RADACK

/s/ D. Margeaux Thomas  
D. Margeaux Thomas (VSB #75582)  
The Thomas Law Office PLC  
11130 Fairfax Blvd., Suite 200-G  
Fairfax, VA 22030  
Telephone: 703.957.2577  
Facsimile: 703.957.2578  
Email: mthomas@thomaslawplc.com  
*Counsel for Defendant Jesselyn A. Radack*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 8, 2020, a copy of the foregoing document was filed with the Court electronically. Notice of this filing will be sent automatically by the Court's CM/ECF system to the following parties:

Steven S. Biss  
300 West Main Street, Suite 102  
Charlottesville, VA 22903  
*Counsel for Plaintiff*

/s/ D. Margeaux Thomas  
D. Margeaux Thomas (VSB #75582)